



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 9] नई दिल्ली, सोमवार, फरवरी 7, 1977/माघ 18, 1898
No. 9] NEW DELHI, MONDAY, FEBRUARY 7, 1977/MAGHA 18, 1898

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Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 7th February, 1977/Magha 18, 1898 (Saka)

THE GOVERNMENT OF UNION TERRITORIES (AMENDMENT) ORDINANCE, 1977

No. 5 OF 1977

Promulgated by the President in the Twenty-eighth Year of the Republic of India.

An Ordinance further to amend the Government of Union Territories Act, 1963.

WHEREAS the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action,

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Government of Union Territories (Amendment) Ordinance, 1977.

Short title-
and
commence-
ment.

(2) Clause (a) of section 4 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and the remaining provisions of this Ordinance shall come into force at once.

Amend-
ment of
section 3.

2 In section 3 of the Government of Union Territories Act, 1963 20 of 1963, (hereinafter referred to as the principal Act), in sub-section (5), the following *Explanation* shall be inserted, namely:—

Explanation.—In this sub-section, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census’.

Amend-
ment of
section 5.

3. (1) In section 5 of the principal Act, for the words “five years”, in the two places where they occur, the words “six years” shall be substituted.

(2) The amendments made by sub-section (1) to section 5 of the principal Act shall apply also to every Legislative Assembly in existence on the date of coming into force of this section without prejudice to the power of the President with respect to the extension of the duration of such Assembly under the proviso to the said section 5.

Amend-
ment of
section 14.

4. In section 14 of the principal Act,—

(a) for clause (a) of sub-section (1), the following clause shall be substituted, namely:—

“(a) if he holds any such office of profit under the Government of India or the Government of any State or the Government of any Union territory as is declared by Parliament by law to disqualify its holder;”;

(b) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

“(3) If any question arises—

(a) as to whether a member of the Legislative Assembly of a Union territory has become subject to any of the disqualifications mentioned in sub-section (1), or

(b) as to whether a person, found guilty of a corrupt practice at an election to the Legislative Assembly of a Union territory under any law made by Parliament, shall be disqualified for being chosen as, and for being, a member of either House of Parliament or of a House of the Legislature of a State or of the Legislative Assembly of a Union territory or as to the period for which he shall be so disqualified, or as to the removal of, or the reduction of the period of, such disqualification,

the question shall be referred for the decision of the President and his decision shall be final.

(4) Before giving any decision on any such question, the President shall consult the Election Commission and the Election Commission may, for this purpose, make such inquiry as it thinks fit.”.

5. In Part III of the principal Act, after section 43D, the following section shall be inserted, namely:—

Insertion
of new
section
43E.

‘43E. Notwithstanding anything contained in sections 36 to 43D (both inclusive), until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the division of each Union territory into territorial constituencies and any reference to the “latest census figures” in this Part shall be construed as a reference to the 1971 census figures.’

Special
provision
as to read-
justment
of territo-
rial consti-
tuencies.

6. In section 46 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amend-
ment of
section 46.

“(1A) No court or other authority shall be entitled to require the production of any rules made under clause (b) of sub-section (1).”

FAKHRUDDIN ALI AHMED,
President

K. K. SUNDARAM,
Secy. to the Govt. of India.

